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July 22, 2020

Via ECF

The Honorable Alison J. Nathan
United States District Judge
Southern District of New York

Re: *Dedra De La Rosa v. Pure Green NYC 8th Street Corp*

Docket No. 1:18-cv-03456 (AJN)(GWG)

Dear Judge Nathan:

We represent the plaintiff in the above-entitled action. Pursuant to the Court Order of April 8, 2020 from Magistrate Judge Gorenstein, the parties are to file by July 29, 2020 the following documents: "joint request to charge, joint proposed verdict forms, joint proposed *voir dire* questions, exhibits and courtesy copies". (See ECF Document # 102). For the reasons explained below, plaintiff respectfully asks the Court to accept the documents filed by plaintiff on March 12, 2020 (ECF Document #93) as satisfaction of the April 8, 2020 Order. Moreover, because of the difficulties of obtaining, reproducing and mailing hardcopies of the exhibits and courtesy copies arising from COVID-19, plaintiff also respectfully asks the Court to adjourn the requirement to file the exhibits and provide courtesy copies of pretrial filings to a date within 30 days of the scheduled trial date.

The parties filed their joint pretrial report on February 14, 2020 (ECF Document #79) and the Court thereafter issued an Order for the parties to submit their joint request to charge, joint proposed verdict forms and joint proposed *voir dire* questions, exhibits and courtesy copies by March 12, 2020. (See ECF Document # 81). On March 12, 2020, plaintiff filed the pretrial documents (joint request to charge, joint proposed verdict forms and joint proposed *voir dire* questions) and advised the Court that the Defendant Pure Green NYC 8th Street Corp ("Defendant") refused to participate in drafting the pretrial documents. (ECF Document #93).

On March 16, 2020, Your Honor granted Defendant's letter motion to extend the deadline for the filing of the Joint Pre-Trial Report *sine die* because Defendant was seeking to make expert disclosures. (See ECF Document # 95). On March 19, 2020, Magistrate Judge Gorenstein granted Defendant permission to make expert disclosures until April 17, 2020. (See ECF Document # 96). Thereafter, the time for Defendant to make expert disclosures was extended to June 15, 2020 and plaintiff was also granted permission to take the deposition of Defendant's expert witness July 15, 2020. (See ECF Document # 102). But Defendant never served plaintiff with expert disclosures and the time to do so expired on June 15, 2020.

Because nothing has changed since the pretrial submissions filed in February and March 2020, plaintiff respectfully asks the Court to accept ECF Document #79 as the joint pretrial report and ECF Document #93 as the joint request to charge, joint proposed verdict forms and

joint proposed *voir dire* questions. On July 8, 2020, plaintiff forwarded a copy of these previously filed pretrial submissions to the Defendant and requested that the Defendant provide plaintiff with any comments or revisions by July 17, 2020. But Defendant ignored plaintiff's communication and has not responded to this day. Accordingly, the parties have no further changes to add to the pretrial submissions.

Thank you for your time and attention to this matter. With kindest regards, I am

very truly yours,

/s/

Glen H. Parker, Esq.